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TRANSMITTAL FORM FOR FILING PATENT APPLICATION

Attorney Docket No.: SBACK-001XX

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BOX PATENT APPLICATION  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Express Mail No: EV009946873 US  
Date: December 7, 2001

First Named Inventor or Application  
Identifier: Vikram Pillai

Sir:

Transmitted herewith under 37 CFR § 1.53 for filing is the patent application of:

Inventor: Vikram Pillai, Joseph Kinsella, Patrick Bray, Noah White, Deborah MacCallum, Robert Klotz, Gregory O. Bruell

Entitled: DISTRIBUTED NETWORK MONITORING AND CONTROL SYSTEM

[ ] This is a request for filing a [ ] **continuation** [ ] **divisional**  
[ ] **continuation in-part** application under §1.53(b) of prior Application  
No. \_\_\_\_\_, filed \_\_\_\_\_, entitled:

Enclosed are:

[X] 43 pages of written description, claims and Abstract, inclusive

[X] 7 sheets of [ ] informal [X] formal drawings of Figs. 1-7 (one set)

[X] Oath or Declaration

[X] Newly executed (original or copy)

[ ] Copy from prior application (37 CFR 1.63(d)) (for continuation/divisional). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

[ ] To be filed later

[X] Cover sheet and Assignment of the invention to: SILVERBACK TECHNOLOGIES, INC.

[ ] Certified copy of a \_\_\_\_\_ application (if foreign priority is claimed) with letter claiming priority under Rule 55.

[ ] Information Disclosure Statement with \_\_\_ citations

[ ] Preliminary amendment is enclosed.

[X] Return receipt postcard

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**TRANSMITTAL FORM FOR FILING PATENT APPLICATION (CONTINUED)**

☒ Small entity status is entitled to be, and hereby is, asserted for this application.


☐ Other: \_\_\_\_\_

☐ Priority is claimed under 35 USC § 120 as indicated on the attached sheet 4.

☐ Priority is claimed under 35 USC §119(a)-(d) as indicated on the attached sheet 4.

☒ Priority is claimed under 35 USC §119 (e) as indicated on the attached sheet 4.

☒ David A. Dagg is hereby appointed Associate Attorney by:  
Registration No.: 37,809

  
\_\_\_\_\_  
Attorney of Record Victor B. Lebovici  
Registration No.: 30,864

☐ Power of Attorney in the originally-filed application has been granted to one or more of the registered attorneys listed below. The attorneys listed below not previously granted power in the originally-filed application, as well as \_\_\_\_\_, are hereby given associate power:  
Registration No.:

Stanley M. Schurgin, Reg. No. 20,979  
Charles L. Gagnebin III, Reg. No. 25,467  
Victor B. Lebovici, Reg. No. 30,864

Beverly E. Hjorth, Reg. No. 32,033  
Holliday C. Heine, Reg. No. 34,346  
Gordon R. Moriarty, Reg. No. 38,973  
James F. Thompson, Reg. No. 36,699

☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.

☐ Add in this application claims \_\_\_\_\_ per amendment before calculating fee.

| CLAIMS FILED:   | MINUS BASE: | EXTRA CLAIMS: | RATE:        | BASIC FEE: |
|---|-------------|---------------|--------------|------------|
|   |             |               |              | \$740.00   |
| Independent   | 3 - 3       | = 0           | x \$84.00 =  | \$ 0.00    |
| Total   | 25 - 20     | = 5           | x \$18.00 =  | \$90.00    |
| <input type="checkbox"/> Multiple Dependent Claims (1st presentation)     |             |               | + \$280.00 = |            |
| SUBTOTAL FILING FEE   |             |               |              | \$830.00   |
| Small Entity filing, divide by 2. (Small Entity status must be asserted.) |             |               |              | \$415.00   |
| TOTAL FILING FEE  |             |               |              | \$415.00   |

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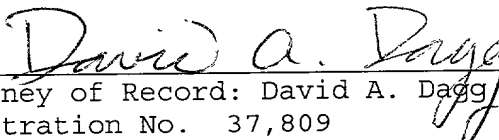
## TRANSMITTAL FOR FILING PATENT APPLICATION (CONTINUED)

- [X] The filing fee has been calculated above; a check in the amount of \$415.00 is enclosed.
- [ ] The filing fee will be submitted at a later date.
- [X] In the event a Petition for Extension of Time under 37 CFR §1.17 is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- [X] The Commissioner is hereby authorized to charge payment of any additional filing fees under 37 CFR §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

[X] Customer Number 207

Address all future communications to:

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\_\_\_\_\_  
Attorney of Record: David A. Dagg  
Registration No. 37,809

Attorney Docket No.: SBACK-001XX

## TRANSMITTAL FOR FILING PATENT APPLICATION (CONTINUED)

[ ] Priority is claimed under 35 USC § 120 of prior Application(s)  
No. \_\_\_\_\_, filed \_\_\_\_\_, entitled:

[ ] The above-identified application(s) is/are assigned of record to:

[ ] Priority is claimed under 35 USC § 119 (a)-(d) of the following application(s).

|                               |                    |                        |
|-------------------------------|--------------------|------------------------|
| _____<br>(Application Number) | _____<br>(Country) | _____<br>(Filing Date) |
| _____<br>(Application Number) | _____<br>(Country) | _____<br>(Filing Date) |
| _____<br>(Application Number) | _____<br>(Country) | _____<br>(Filing Date) |

[ ] The above-identified application(s) is/are assigned of record to:

[X] Priority is claimed under 35 USC § 119 (e) of the following provisional application(s).

|   |   |
|---|---|
| <u>60/254,723</u><br>(Application Number) | <u>December 11, 2000</u><br>(Filing Date) |
|---|---|

|                               |                        |
|-------------------------------|------------------------|
| _____<br>(Application Number) | _____<br>(Filing Date) |
|-------------------------------|------------------------|

|                               |                        |
|-------------------------------|------------------------|
| _____<br>(Application Number) | _____<br>(Filing Date) |
|-------------------------------|------------------------|

[X] The above-identified provisional application(s) is/are assigned of record to: SILVERBACK TECHNOLOGIES, INC.

SUBMIT IN TRIPLICATE

DAD/kdm/263121